

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUDOLPH HOLLAND and COURTNEY
HOLLAND,

Plaintiffs,

-against-

B&Z AUTO ENTERPRISES LLC, CCAP AUTO
LEASE LTD. and SANTANDER CONSUMER
USA INC.,

Defendants.

USDC SDNY
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DATE FILED: 3/3/2022

1:21-cv-5401-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court scheduled an initial pre-trial conference in this matter for December 1, 2022 at 11:00 AM. [ECF No. 16]. The Court directed the parties to submit, one week before the conference, a Proposed Case Management Plan and Scheduling Order and joint letter, as required by this Court's Individual Rules of Practice. [ECF No. 16]. On November 23, 2021, the Parties filed a joint letter seeking to adjourn the conference in light of potential arbitration and upcoming holidays, which the Court granted. [ECF Nos. 17, 18]. On January 5, 2022, the Parties filed a joint letter requesting an adjournment of the conference because counsel for the Defendants had "become seriously ill with COVID-19 symptoms," and the parties were engaged in settlement discussions. [ECF No. 19]. The Court, with wishes for good health, adjourned the conference. [ECF No. 20]. On February 2, 2022, the Parties filed a third joint letter requesting an adjournment of the conference, due to residual COVID-19 symptoms, which the Court granted. [ECF Nos. 21, 22]. In that order, the Court scheduled the initial pre-trial conference for March 9, 2022. As directed in the Court's order at ECF No. 16, and as stated in the Court's

Individual Rules of Practice, the Parties' submissions in advance of that conference were due March 2, 2022. To date the parties have not submitted a proposed order and joint letter.

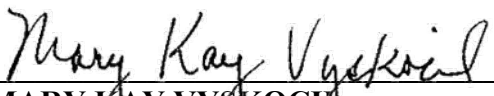
Accordingly, the initial pre-trial conference scheduled for March 9, 2022 is ADJOURNED to March 16, 2022 at 11:00 AM. On or before March 9, 2022, the parties shall submit a Proposed Case Management Plan and Scheduling Order and joint letter, as required by this Court's Individual Rules of Practice and as specified in the Court's scheduling order at ECF No. 16. That joint letter should include:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case;
2. A brief statement by the plaintiff, or by the defendant in removed cases, as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include citations to relevant statutes. In cases invoking the Court's diversity jurisdiction, the parties should state both the place of incorporation and the principal place of business of any party that is a corporation, and the citizenship of all members, shareholders, partners, and/or trustees of any party that is a partnership, limited partnership, limited liability company, or trust;
3. A statement of procedural posture, including
 - a. A brief description of any (i) motions that have been made and decided, (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (iii) pending motions and (iv) other applications that are expected to be made at the conference;
 - b. A brief description of any discovery that has already taken place, and a brief description of any discovery that the parties intend to take in the future; and
 - c. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
4. Any other information the parties believe may assist the Court in resolving the action.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN SANCTIONS.
THE COURT WILL NOT ADJOURN THIS CONFERENCE AGAIN BECAUSE OF THE
PARTIES' FAILURE TO COMPLY WITH THE COURT'S ORDERS.

SO ORDERED.

Date: March 3, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge